

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Lahcen BENNAI, et al.

Appln. No.: 09/736,298

Confirmation No.: 8442

Filed: December 15, 2000

For: COMMUNICATION METHOD USING ONE ACCESS

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

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APR - 8 2002

PETITIONS OFFICE

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request reconsideration of the Decision mailed September 7, 2001, for the reasons set forth in detail below.

The two named inventors in this case are Lahcen Bennai and Christian Laroque, and the petition seeks to proceed without the signature of Christian Laroque. As set forth in the Declaration filed August 16, 2001, the papers were originally sent to the last known address of Mr. Laroque but were returned unclaimed (not addressee unknown, but unclaimed).

There are a combination of relevant circumstances in this case. One is that the assignee here at the time the actions were taken as described in the Declaration filed August 16, 2001, had no reason to believe that the information as to the current address was incorrect. The papers were sent and a notification came back that the addressee had not claimed them. There was no

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notification that there was no such addressee at that address. So further diligent efforts to locate the inventor were not in order.

The other circumstance, and the real problem here, is that this inventor is a co-inventor in a number of cases and had already made it clear, confirmed by his action of not claiming the papers in the present case, that he would not sign any such papers. He has explicitly refused to execute the formal papers for the applications designated by U.S. Application Nos. 09/605,434 and 09/605,881, and has refused to accept the documents for application No. 09/865,673. In the context of these refusals, his refusal to accept the papers sent to him in this case is sufficient to conclude that he is refusing to sign, and no further action should be necessary.

As to the requirement that the inventor be presented with a copy of the application papers, the U.S. application is essentially only an English translation of the French priority application which was already in the possession of the inventor, so that he in fact was presented with the declaration to be signed while he was already in possession of a French translation of the U.S. application. It is believed that this should satisfy the requirements of 37 C.F.R. 1.47(a).

To the extent there are facts stated above the require certification, this Request For Reconsideration is in the form of a declaration.

For the above reasons, granting of the Petition of August 16, 2001 is again respectfully requested.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Respectfully submitted,

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PETITIONS OFFICE

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*** RX REPORT ***

RECEPTION OK

TX/RX NO	5572
CONNECTION TEL	+1 301 656 0214
CONNECTION ID	
START TIME	04/08(MO)20:24
USAGE TIME	02'09"
PGS.	6
RESULT	OK